

The Director

OLC 76-1974/a

Central Intelligence Agency

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

OLC RECORD COPY

Washington, D.C. 20505

Executive Registry
76-2909/A

20 NOV 1976

algoc

Honorable Bella S. Abzug, Chairwoman
Subcommittee on Government Information
and Individual Rights
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Dear Madam Chairwoman:

Enclosed are the responses to questions posed in your letter of 14 July 1976 concerning the telephone monitoring practices of this Agency.

If you or your staff have any questions concerning our responses, please contact [redacted] of our Office of Legislative Counsel [redacted]

Sincerely,

/s/ George Bush
George Bush

Enclosure

Distribution:

Orig. - Addressee w/encl.

1 - DCI w/encl.

1 - DDCI w/encl.

1 - ER w/encl.

1 - DDA w/encl.

1 - OGC w/encl.

1 - DDI w/encl.

1 - DDO w/encl.

1 - DDS&T w/encl.

✓ 1 - OLC/Subj. w/encl.

1 - OLC/Chrono w/encl. 1 - OS w/encl.

OLC:PLC:dla (typed 8 September 1976)

(retyped 12 November 1976)

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

Responses to Questions Concerning Telephone Monitoring

Question 1. Does the Agency presently permit monitoring of incoming or outgoing calls? (For the purposes of this inquiry, "monitoring" includes, but is not limited to, a secretary or any third person listening in on the line, either covertly or overtly.)

Unless otherwise specified, the term "monitoring" as used in our response to the questions posed, is limited to a secretary or any other third person listening in on the line and perhaps making notes, with the full knowledge and consent of the supervisor or Agency officer handling the call. This is the full extent of the "monitoring" of incoming and outgoing calls by the Agency except as indicated in the answer to Question 2 below.

The Agency permits monitoring of incoming and outgoing calls by secretaries in Agency offices; by the Security Duty officers; and by personnel of the Headquarters Operations Center, at the request, and with the permission and knowledge of their supervisors.

Question 1a. For what purposes and under what circumstances does monitoring occur?

As defined in response to Question 1 above, the Agency does permit secretaries, with the knowledge and approval of the supervisors, to listen to selected incoming and outgoing calls. The telephone instrument of those secretaries who monitor calls is equipped with a monitor button which permits the secretaries to listen in to a telephone conversation without disturbing either party to the conversation. This secretarial monitoring assists the Agency office in recalling telephonic discussions involving matters of particular importance.

In addition, the Security Duty Office monitors, as defined in Question 1 above, calls which are of a threatening nature or to assure the accurate recording of a lengthy call offering information.

The Operations Center at Headquarters monitors, as defined in Question 1 above, selected calls from senior Agency officials imparting detailed instructions for the preparation of briefings, memoranda, or the levying of other requirements especially during crisis situations. This is done to ensure the actual recording of events and actions taken.

Question 1b. Do Agency employees consent to monitoring of their telephone conversations and, if so, are their consents given in writing?

Of course, the party utilizing the monitoring device on telephone instruments, as defined in Question 1a above, has consented to the monitoring of his comments during the conversation. Callers within the Agency do not especially consent to the monitoring of their calls; however, most are aware of the practices when calling certain Agency offices. There are no requirements for the obtaining of consent to monitor telephone conversations.

Question 1c. To what extent are the employees and outside callers aware of the presence of another party on the line?

Most callers to senior Agency offices undoubtedly presume that their calls may be monitored, as defined in Question 1 above, by a secretary.

Question 2. Is tape-recording of telephone conversations on the Agency's lines presently permitted? If so, do any warning or consent requirements accompany or limit this practice?

The Security Duty Officers and personnel of the Operations Center do tape-record selected calls previously described in response to Question 1a above. No warning or consent requirements accompany the recording by the Security Duty Office. There is a periodic warning signal when recordings are made by the Operations Center.

Question 3. Does the Agency take any measures to minimize its listening time to portions of conversations which are relevant to the purposes of the monitor?

It is the practice for secretaries to limit the listening in to incoming and outgoing calls only to significant discussions where accurate recollection is necessary.

Question 4. Are there any regulations controlling the Agency's telephone monitoring practices? If so, please include a copy with your reply. Is the Agency affected by any general regulations issued by the General Services Administration, the Office of Telecommunications Policy, or the Federal Communications Commission? If so, please cite the regulations.

A CIA regulation on this subject (monitoring devices), as defined in response to Question 1 above, states that employees will not install telephone monitoring devices on Agency telephones. The installation of monitoring buttons on telephones for secretaries, as defined in Question 1a above is allowed but must be approved and installed by appropriate authorities.

Question 5. Under what statutory authority does the Agency monitor the telephone conversations of its employees and outside callers?

This practice is inherent in the authorities and functions of any executive agency and department to conduct normal business operations.

Question 6. Does the Agency employ any automatic devices which record dialing impulses or observe service quality? Does the use of this equipment fall within the Agency's definition of telephone monitoring?

The Agency does not employ any automatic devices which record dialing impulses or observe service quality.

Question 7. What does the Agency do with information regarding illegal activity which comes into its hands in the course of telephone monitoring for service or supervisory purposes?

Telephone monitoring is conducted by the Agency only for those purposes as indicated in Question 1 above and not for service or supervisory purposes.

Question 8. Do the Agency's practices ever conflict with State or Federal laws? Where and when has this occurred? In the event of a conflict between State and Federal law, which law controls the Agency?

We have no knowledge that the Agency's practices are in conflict with State or Federal law. In the event of a conflict between State and Federal law, Federal law would be controlling.

Question 9. Does AT&T service the Agency's monitoring equipment? Does any AT&T policy constrain the Agency's monitoring practices? Do you have any reason to believe that AT&T has ever participated in any independent or outside monitoring of the Agency lines?

A local telephone company does service the monitoring buttons, as described in Question 1 above, which are installed in telephone instruments for secretaries to listen in to incoming and outgoing calls. We are not aware of any policy of the company which has resulted in any constraint of the Agency's secretarial monitoring. We have no reason to believe the company has ever participated in any independent or outside monitoring of the Agency lines.

Question 10. Does the Agency receive requests to monitor pursuant to court order or for national security purposes? How often has this occurred in the past ten years, and to what extent does the Agency comply with these requests?

The Agency has not received requests to monitor incoming or outgoing telephone calls pursuant to court order or for national security purposes.

UNCLASSIFIED

CONFIDENTIAL

SECRET

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

EXECUTIVE SECRETARIAT

Routing Slip

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	D/DCI/IC				
4	S/MC				
5	DDS&T				
6	DDI				
7	DDA		X		
8	DDO				
9	D/DCI/NIO				
10	GC		X		
11	LC	X			
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19	C/IPS				
20					
21					
22					

SUSPENSE

23 July 1976

Date

Remarks:

Please develop response.

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

APPROVED FOR RELEASE 2004/10/08 : CIA-RDP78M02660R000200060006-5

BELLA S. ASZUG, N.Y., CHAIRWOMAN
LEO J. RYAN, CALIF.
JOHN CONYERS, JR., MICH.
TORBERT H. MACDONALD, MASS.
JOHN E. MOSS, CALIF.
MICHAEL HARRINGTON, MASS.
ANDREW MAGUIRE, N.J.
ANTHONY MOFFETT, CONN.

JOHN STEIGER, ARIZ.
CLARENCE J. BROWN, OHIO
PAUL N. MCCLOSKEY, JR., CALIF.
225-3741

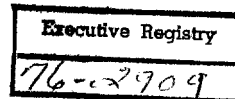
NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C
WASHINGTON, D.C. 20515



OLC 76-1974

July 14, 1976

Hon. George Bush
Director
The Central Intelligence Agency
Washington, D.C., 20505

Dear Mr. Bush:

The Government Information and Individual Rights Subcommittee is currently studying telephone monitoring practices of federal agencies. During June 1974, interested federal agencies testified at hearings on this subject. In connection with the preparation of a report, the Subcommittee has additional questions of your agency.

1. Does the agency presently permit monitoring of incoming or outgoing telephone calls? (For the purposes of this inquiry, "monitoring" includes, but is not limited to, a secretary or any third person listening in on the line, either covertly or overtly.) (a) For what purposes and under what circumstances does monitoring occur? (b) Do agency employees consent to monitoring of their telephone conversations and, if so, are their consents given in writing? (c) To what extent are the employees and outside callers aware of the presence of another party on the line?

2. Is tape recording of telephone conversations on the agency's lines presently permitted? If so, do any warning or consent requirements accompany or limit this practice?

3. Does the agency take any measures to minimize its listening time to portions of conversations which are relevant to the purposes of the monitor?

4. Are there any regulations controlling the agency's telephone monitoring practices? If so, please include a copy with your reply. Is the agency affected by any general regulations issued by the General Services Administration, the Office of Telecommunications Policy, or the Federal Communications Commission? If so, please cite the regulations.

5. Under what statutory authority does the agency monitor the telephone conversations of its employees and outside callers?

Page Two

6. Does the agency employ any automatic devices which record dialing impulses or observe service quality? Does use of this equipment fall within the agency's definition of telephone monitoring?

7. What does the agency do with information regarding illegal activity which comes into its hands in the course of telephone monitoring for service or supervisory purposes?

8. Do the agency's practices ever conflict with State or Federal law? Where and when has this occurred? In the event of a conflict between State and Federal law, which law controls the agency?

9. Does AT&T service the agency's monitoring equipment? Does any AT&T policy constrain the agency's monitoring practices? Do you have any reason to believe that AT&T has ever participated in any independent or outside monitoring of the agency's lines?

10. Does the agency receive requests to monitor pursuant to court order or for national security purposes? How often has this occurred in the past 10 years, and to what extent does the agency comply with these requests?

If you or your staff have questions concerning this inquiry, please contact Gail Jacobs at the Subcommittee office, 225-3741. A response by July 28 would be appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Bella S. Abzug". The signature is fluid and cursive, with the first name "Bella" being the most prominent.

BELLA S. ABZUG
Chairwoman

☐ UNCLASSIFIED

☐ INTERNAL
USE ONLY

76-2909/A

☐ CONFIDENTIAL

☐ SECRET

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE 16 November 1976

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDCI

Attention: ☐

11/18

HN

2.

3.

Director

11/22/76

WJ

4.

5.

OLC (for delivery)

PLS date orig

20 NOV 76

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

Attached for the Director's signature is a response to a letter from Chairwoman Abzug posing several questions concerning the Agency's telephone monitoring practices.

The response was coordinated with all Directorates, the Office of General Counsel, and was reviewed by ☐

STAT

It is a common practice for secretaries in senior offices to monitor calls. The only other monitoring is by the Security Duty Office and the Watch Office. Our reply spells this out. To our knowledge, we are not in violation of any law or regulation.

This matter required extensive internal coordination. The Subcommittee staff was advised that there would be a delay in responding.

STAT

George L. Cary
Legislative Counsel

Attachment

☐

SECRET

☐

CONFIDENTIAL

☐

INTERNAL
USE ONLY

☐

UNCLASSIFIED

☐ UNCLASSIFIED

☐ INTERNAL
USE ONLY

☐ CONFIDENTIAL

☐ SECRET

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM

EXTENSION

NO.

Assistant Legislative Counsel
7D35 Hq.

DATE

12 November 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

RECEIVED

FORWARDED

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

A/DDCI

2.

3.

OLC

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

Attached is a rework of the
Abzug letter on telephone
monitoring for final review.

Please return to me by COB
15 November. Thank you.

☐ SECRET

☐ CONFIDENTIAL

☐ INTERNAL
USE ONLY

☐ UNCLASSIFIED

STAT

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

Next 5 Page(s) In Document Exempt

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5



UNCLASSIFIED

INTERNAL
USE ONLY

CONFIDENTIAL



SECRET

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION



NO.

DATE

17 SEP 1976

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DDCI

25 Sep.

2.

3.

Director

4.

5.

OLC

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

Attached for the Director's signature is a response to a letter from Chairwoman Abzug posing several questions concerning the Agency's telephone monitoring practices.

The response was coordinated with all Directorates and the Office of General Counsel.

It is a common practice for secretaries in senior offices to monitor calls. The only other monitoring is by the Security Duty Office and the Watch Office. Our reply spells this out. To our knowledge, we are not in violation of any law or regulation.

This matter required extensive internal coordination. The Subcommittee staff was advised that there would be a delay in responding.

STAT

George L. Cary
Legislative Counsel

Attachment

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5



SECRET



CONFIDENTIAL

INTERNAL
USE ONLY

UNCLASSIFIED

DD/A Registry
65-4177

DC-M-16-548
19 AUG 1976

OLC #76-243.2

MEMORANDUM FOR: Legislative Counsel

VIA : Deputy Director for Administration

FROM :
Director of Communications

SUBJECT : Agency Telephone Monitoring

REFERENCE : OLC Memorandum of 18 August 1976

1. The following information is provided in response to the questions contained in the referent memorandum.

2. The Office of Communications has no reason to believe that AT&T has ever participated in any independent or outside monitoring of the Agency's lines.

3. The Office of Communications has no information indicating that, from 1966 to the present, the Agency received any requests to monitor pursuant to court order or for national security purposes.

4. This Office has not questioned other offices of the Agency in this matter.



STAT

26 AUG 1976

OLC #16-2433

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

VIA :

FROM :

Deputy Director for Administration
James H. McDonald
Director of Logistics

SUBJECT :

Agency Telephone Monitoring

REFERENCE :

Memo dtd 18 Aug 76 to OC and OL fm OLC,
same subject

1. With response to the referent request on information relative to Agency telephone monitoring, the Office of Logistics (OL) has no records or firm information. As you may be aware, the Telephone Facilities Branch, which used to be part of OL, was transferred intact to the Office of Communications; i.e., all personnel and records were relocated.

2. One item of interest is that some of the Agency's monitoring equipment is still in place in room BD-2809 at Headquarters; however, this equipment is under the control of the Office of Security. Please contact [redacted] Executive Officer, OL, on extension [redacted] if further information or assistance is required.

[redacted]
James H. McDonald

Att: Reference

cc: DD/A

STAT
STAT

STAT

CONFIDENTIAL

20 AUG
1976

CI 658-76

MEMORANDUM FOR:

SA/DO/O

FROM

:

Chief, Counterintelligence Staff

SUBJECT

:

Agency Telephone Monitoring

1. [redacted] has no record nor is there any one within [redacted] who remembers or has heard of AT&T's participation in the monitoring of the Agency's telephone lines.

2. As far as [redacted] is concerned, we have no records indicating that any requests have been received by the Agency to monitor any telephone for national security or other purposes.

25X1

25X1

CONFIDENTIAL

19 AUG 1976

MEMORANDUM FOR: Director of Security

SUBJECT: Agency Telephone Monitoring

Please address yourself to the following questions:

1. Does the Agency have any reason to believe that AT&T has ever participated in any independent or outside monitoring of the Agency's lines? (i.e. at the request of FBI, FCC, etc.)
2. From 1966 to the present, has the Agency received any requests to monitor pursuant to court order or for national security purposes? To what extent has the Agency complied with these requests?

We would appreciate a response to these questions as soon as possible. Written responses may be returned to 7D35 HQ, or oral responses to



Office of Legislative Counsel

STAT

STAT

STAT

Pat--

Attached is a memorandum addressed to the Operations Center's technical capability to monitor telephone conversations and the SOPs that govern watch officer's behavior.

Let me know if I can be of any more help.

STAT

O/DDI

Date 26 July 1976

FORM 101 USE PREVIOUS EDITIONS

OLC 76-2090



26 July 1976

Hgc

MEMORANDUM FOR: Special Assistant for Coordination
and Liaison

SUBJECT : Agency's Telephone Monitoring System

The telephone call directors in the Agency's Operations Center, a twenty-four hour facility, are equipped with recording devices with audible 10-second beepers. These recorders are used at the discretion of the duty officers when senior Agency or U.S. Government officials phone and impart detailed instructions for the preparation of briefings or memoranda or pose questions that require a complete understanding by the eventual respondee of what the requestor has in mind. Our officers are not stenographers, they do not take shorthand and we cannot be confident that without such a device they would not overlook a critical requirement or miss a nuance. Prior to installing the recorder, we sought and obtained clearance from the Office of General Counsel. Our officers have a standing instruction to disconnect the recorder should anyone whose conversation is being taped objects on hearing the 10-second buzz.

[Redacted signature box]

Acting Chief, CIA Operations Center

STAT

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☐ SECRET

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Office of Legislative Counsel
7D35 Hq.

EXTENSION

☐

NO.

OLC 76-1974/a

DATE

23 July 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DDI Attn: ☐
7E44 Hq.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

Attached is a letter to the Director from Chairwoman Abzug dated 14 July 1976 posing a number of questions concerning the Agency's telephone monitoring practices.

Would you please initiate an appropriate review and furnish the results to me for the preparation of a reply.

Your expeditious response would be most appreciated.

☐
Assistant Legislative Counsel

*Note: The attached has been coordinated with DD/PTOS, D/OL, OGC, O/Commo, DDS&T, and DDO.

Attachment

☐ SECRET☐ CONFIDENTIAL☐ INTERNAL
USE ONLY☐ UNCLASSIFIED

STAT

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

Approved For Release 2004/10/08 : CIA-RDP78M02660R000200060006-5

23 JUL 1976

MEMORANDUM FOR: Legislative Counsel

ATTENTION :

FROM : Robert W. Gambino
Director of Security

VIA : Deputy Director of Administration

SUBJECT : Representative Bella S. Abzug Request
(Telephone Monitoring Practices)

1. Reference is made to the letter dated 14 July 1976 from Chairwoman Bella S. Abzug of the Government and Individual Rights Subcommittee of the Committee on Government Operations of the House of Representatives which requests information concerning the telephone monitoring practices of the Agency. The following information is provided in response to the ten areas of interest outlined in Representative Abzug's letter.

2. Items one through three of the request inquire whether the Agency policy presently permits monitoring and or recording of incoming or outgoing calls, and what steps are taken to minimize monitoring to relevant portions of conversations. The only component of the Office of Security which has an established monitoring capability is the Security Duty Office. This Office is the focal point for receiving emergency and security related telephone calls from both Agency employees and the public. The phones in this Office are equipped with a tape recording monitor capability which is switched on at the discretion of the duty officer receiving the call. Generally, these monitors are activated only when calls of a threatening nature are received. Prime examples of these types of calls are bomb threats and threats on the life of the President or some other Federal official. Additionally, the recorders are occasionally activated to make an exact record of a lengthy or complicated offer of information. The caller is not normally informed that a recorder has been activated but, as previously stated, the system is only rarely used. For example, in the past three months only one or two calls have been recorded.

OS 6-3205/A

3. Items four and five of Representative Abzug's request deal with whether there are any Agency regulations controlling telephone monitoring practices and under what statutory authority the Agency monitors telephone conversations. While there is no specific regulation that deals directly with this subject,

STAT [REDACTED] (Restrictions on Intelligence Activities) subsection b. (3) regarding electronic surveillance contains the following footnote: "The monitoring of a telephone conversation with the consent of one party does not constitute electronic surveillance under this definition. This is consistent with Title III of the Omnibus Crime Control and Safe Streets Act of 1968." From this it is concluded that the Agency is not prohibited from monitoring incoming calls.

4. Items six, eight and nine are technical questions which can best be answered by the Office of Logistics and/or the Office of Communications.

5. Item seven inquires as to what the Agency does with information regarding illegal activity which is obtained during the course of telephone monitoring. Any information of this nature would be treated under the provisions of Executive Order 11905 which require the reporting of information regarding illegal activity to the Department of Justice. With specific regard to calls of a threatening nature received in the Security Duty Office, any threats on the life of the President or other officials are immediately reported to the Secret Service or FBI, as appropriate.

6. In regard to item ten of Representative Abzug's letter, this Office is not aware of any instances in the past ten years where the Agency has been requested to monitor specific phone calls either by court order or for national security purposes. Needless to say, this Office would fully comply with any court ordered monitoring or any national security monitoring which was being conducted in compliance with Executive Order 11905 or other pertinent Presidential directives and Federal laws.

STAT

[REDACTED]
ROBERT W. GAMBINO

Distribution:

Orig & 1 - Addressee
1 - DDA

☐ UNCLASSIFIED☐ INTERNAL
USE ONLY☐ CONFIDENTIAL☐ SECRET

Approved For Release 2004/10/08 : CIA-RDP78M02652R000200060006-5

SUBJECT: (Optional)

FROM: Office of Legislative Counsel
6C19 Hq.

EXTENSION

☐

NO.

OLC 76-1974/a

DATE

19 July 1976

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DD/PTOS
4E70 Hq.20 JUL
1976

Attached is a letter to the Director from Chairwoman Abzug dated 14 July 1976 posing a number of questions concerning the Agency's telephone monitoring practices.

Would you please initiate an appropriate review and furnish the results to me for the preparation of a reply.

Please note that certain material on this subject was previously furnished to the Abzug Subcommittee in June 1974.

Your response is needed by COB, 22 July.

Assistant Legislative Counsel

*Note: The attached is being coordinated with the D/OL and OGC.

Attachment

0563205